

2021-001501-1

CAUSE NO. \_\_\_\_\_

TINA JERNIGAN,  
*Plaintiff,*§  
§  
§  
§  
§  
§  
§

IN THE COUNTY COURT

v.

AT LAW \_\_\_\_\_

WAL-MART STORES, INC.,  
*Defendant.*

TARRANT COUNTY, TEXAS

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**PLAINTIFF'S ORIGINAL PETITION**

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**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, Tina Jernigan, (hereinafter referred to as "Plaintiff"), who files this Plaintiff's Original Petition against Wal-Mart Stores, Inc., (hereinafter referred to as "Defendant"), and respectfully shows this Court as follows:

**I. TEXAS RULE 47 DAMAGES STATEMENT**

Plaintiff prefers to have a judge or a jury determine the fair amount of compensation for Plaintiff's damages, and Plaintiff places the decision regarding the amount of compensation to be awarded in the jury or judge's hands. However, pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiff is required to provide a statement regarding the amount of monetary relief sought. Accordingly, Plaintiff states that the monetary relief sought is \$250,000 or less.

Plaintiff submits this action under Discovery Control Plan II, per Rule 190.3 of the Texas Rules of Civil Procedure.

**II. PARTIES AND SERVICE**

Plaintiff is a resident of Tarrant County, Texas.

Defendant is a business doing business in the State of Texas. Defendant may be served by serving its registered agent, CT Corporation System, located at 1999 Bryan Street, Suite 900,

Dallas, Texas 75201. Issuance of citation is requested at this time.

### III. JURISDICTION

This Court has jurisdiction as Plaintiff's damages exceed the minimum jurisdictional limits of this Court. The Court has personal jurisdiction over the Defendant as Defendant premises are in Tarrant County, and it hired employees to perform work in the State of Texas.

### IV. VENUE

Venue is proper in Tarrant County, Texas, pursuant to 15.002(1) and (3) of the Texas Civil Practice and Remedies Code, because the facts that give rise to the causes of action occurred in Tarrant County, Texas.

### V. FACTS

At all times relevant, Defendant was the possessor in control of the Wal-Mart Store located at 4101 Hwy. 121 in Tarrant, County Texas (hereinafter referred to as the "premises").

On or about June 4, 2019, Plaintiff was shopping at Defendant's store, operated under the name of Wal-Mart Store, located in Tarrant County, Texas. As Plaintiff was shopping, she slipped on a substance on the floor inside of Walmart on aisle 27. This caused Plaintiff to fall and suffer severe injuries.

### VI. NEGLIGENCE

Defendant was the owner or operator of the premises located at 4101 Hwy. 121 in Bedford, Texas.

Plaintiff was an invitee at the time of the injury because she was a customer at Defendant's store.

Since Defendant's business was open to the general public, Defendant extended an invitation to Plaintiff to shop at Defendant's store.

Defendant thus owed Plaintiff the duty to inspect the premises and maintain them in a reasonably safe condition.

The condition of the premises posed an unreasonable risk of harm in that the substance on the floor caused it to be slippery and that was extremely dangerous.

Defendant knew or reasonably should have known of the condition of the premises because the substance that was on the floor was there for a long period of time within close proximity to Defendant's employees. A reasonable inspection would have revealed the slippery and/or wet substance on the floor.

At all relevant times Defendant was guilty of negligence towards Plaintiff in the following respects:

- a. Failing to keep the premises in a reasonably safe condition for Plaintiff;
- b. Failing to inspect the premises to discover the dangerous condition;
- c. Failure to remove the dangerous condition;
- d. Failure to provide warning of the dangerous condition by posting signage, a barrier, or other marker indicating the presence of danger; and
- e. Failure to take any action to eliminate or reduce the unreasonable risk of danger presented by the dangerous condition.

Defendant's failure to use reasonable care was a proximate cause of Plaintiff sustaining injuries and damages that are described below.

## **VII. DAMAGES**

As a direct and proximate result of Defendant's negligence, Plaintiff suffered severe and disabling injuries, mental and physical functioning, and disfigurement, for which Plaintiff required extensive medical treatment and has incurred medical bills. Plaintiff also suffered

severe physical and mental pain, suffering, physical and mental impairment, depression, physical and mental disability, anguish, and loss of enjoyment of life.

In all reasonable probability, Plaintiff will continue to suffer in this manner for a long time into the future, if not for the balance of her life. Solely as a result of the injuries she sustained due to Defendant's conduct and/or omissions, Plaintiff has incurred doctors', and medical expenses. There is a more than reasonable probability that Plaintiff will incur additional expenses for necessary medical care and attention in the future for the injuries she incurred in the incident in sums unknown at this time. Plaintiff's compensatory damages specifically include, but are not limited to, past and future pecuniary losses, emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and other damages which Plaintiff has incurred due to Defendant's conduct.

#### **VIII. NOTICE OF INTENT**

Plaintiff hereby gives notice of intent to utilize any and all items produced in discovery in the trial of this matter and the authenticity of such items is self-proven per the Texas Rules of Civil Procedure 193.7.

#### **PRAYER**

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff prays that Defendant be cited to appear and answer in this cause and that, upon final trial, Plaintiff be awarded a final judgment against Defendant for the following:

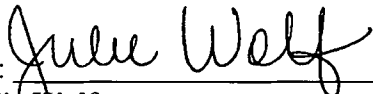
- a. All reasonable and necessary past medical expenses;
- b. A sum for future medical expenses and treatment in an amount to be determined at trial;
- c. Monetary damages for past physical pain and suffering and mental anguish in an

amount to be established at trial;

- d. Monetary damages for future physical pain and suffering and mental anguish;
- e. Past and future physical impairment as determined by a jury;
- f. Past and future disfigurement;
- g. Costs of Court;
- h. Pre-judgment interest on all damages awarded at the highest legal rate;
- i. Post-judgment interest on all sums awarded herein at the highest legal rate until paid; and
- j. Such other and further relief to which Plaintiff may be justly entitled at law or in equity, specific or general.

Respectfully submitted,

**Wolf Law, PLLC**

By:   
**Julie Wolf**  
Texas Bar No. 24051542  
[julie@wolflawpllc.com](mailto:julie@wolflawpllc.com)

12222 Merit Dr., Suite 1200  
Dallas, Texas 75251  
Tel. (972) 338-4477  
Fax. (972) 338-5044  
*Attorney for Plaintiff*



CT Corporation

**Service of Process  
Transmittal**

03/16/2021

CT Log Number 539223485

**TO:** Kim Lundy Service Of Process  
Walmart Inc.  
702 SW 8TH ST  
BENTONVILLE, AR 72716-6209

**RE: Process Served in Texas**

**FOR:** Wal-Mart Stores, Inc. (Former Name) (Domestic State: DE)  
WALMART INC. (True Name)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Jernigan Tina, Pltf. vs. Wal-Mart Stores, Inc., Dft.

**DOCUMENT(S) SERVED:** Citation, Return, Petition

**COURT/AGENCY:** County Court at Law No. 1 Tarrant County, TX  
Case # 20210015011

**NATURE OF ACTION:** Personal Injury - Slip/Trip and Fall - 06/04/2019 - Located at 4101 Hwy. 121 in Tarrant, County Texas

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Dallas, TX

**DATE AND HOUR OF SERVICE:** By Process Server on 03/16/2021 at 02:13

**JURISDICTION SERVED :** Texas

**APPEARANCE OR ANSWER DUE:** At or Before 10:00 a.m. on the Monday next after the expiration of 20 days from the date of service

**ATTORNEY(S) / SENDER(S):** Julie Wolf  
Wolf Law PLLC  
12222 Merit Dr  
Suite 1200  
Dallas, TX 75251  
972-338-4477

**ACTION ITEMS:** CT has retained the current log, Retain Date: 03/17/2021, Expected Purge Date: 03/22/2021  
  
Image SOP  
  
Email Notification, Kim Lundy Service Of Process [ctlawsuits@walmartlegal.com](mailto:ctlawsuits@walmartlegal.com)

**REGISTERED AGENT ADDRESS:** C T Corporation System  
1999 Bryan Street  
Suite 900  
Dallas, TX 75201  
877-564-7529  
[MajorAccountTeam2@wolterskluwer.com](mailto:MajorAccountTeam2@wolterskluwer.com)

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other



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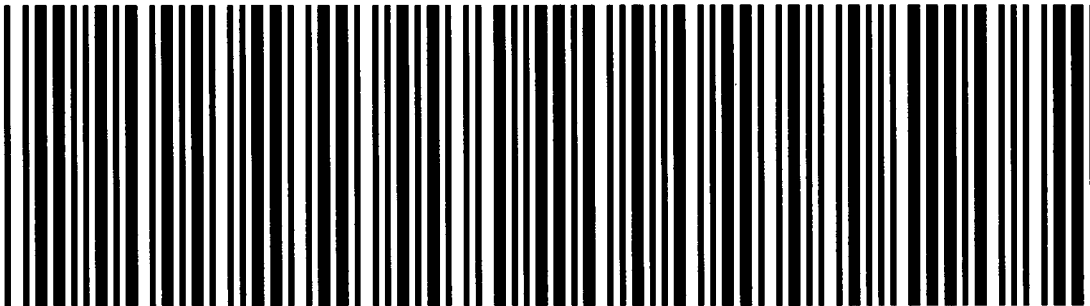
advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

## PROCESS SERVER DELIVERY DETAILS

**Date:** Tue, Mar 16, 2021

**Server Name:** MINNIE WILLIAMS

Entity Served	Wal-Mart Stores, Inc
Agent Name	
Case Number	2021-001501-1
Jurisdiction	TX





CAUSE NO: 2021-001501-1

ORIGINAL CITATION

ORIGINAL PETITION



THE STATE OF TEXAS

TO: Wal-Mart Stores, Inc.  
b/s its registered agent, CT Corporation System  
1999 Bryan Street Suite 900  
Dallas TX 75201  
**Defendant** in the hereinafter styled and numbered cause.

You are commanded to appear by filing a written answer to the **Plaintiff's Original Petition** at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days from the date of service of this citation in the County Court at Law No. 1 of Tarrant County, Texas, at the Courthouse located at 100 WEST WEATHERFORD ST., Fort Worth, Texas 76196. The **Original Petition** was filed on **March 08, 2021** and is numbered **2021-001501-1**. The case style is:

Tina Jernigan  
vs  
Wal-Mart Stores, Inc.

A true copy of the above-described **Original Petition** accompanies and is made a part of this citation.

Plaintiff Attorney is: Julie Wolf  
WOLF LAW PLLC  
12222 MERIT DR  
SUITE 1200  
DALLAS TX 75251  
Phone: 972-338-4477

Bar No.24051542

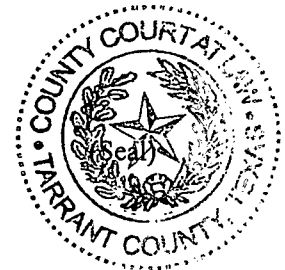
**\*\*\* NOTICE TO DEFENDANT \*\*\***

**YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DOES NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU. IN ADDITION TO FILING A WRITTEN ANSWER WITH THE CLERK, YOU MAY BE REQUIRED TO MAKE INITIAL DISCLOSURES TO THE OTHER PARTIES OF THIS SUIT. THESE DISCLOSURES GENERALLY MUST BE MADE NO LATER THAN 30 DAYS AFTER YOU FILE YOUR ANSWER WITH THE CLERK. FIND OUT MORE AT TEXASLAWHELP.ORG**

Issued under my hand and seal of this court on March 09, 2021 at Fort Worth, Texas, by LaPorshe Riggins, Clerk of the County Courts at Law court.

MARY LOUISE NICHOLSON, COUNTY CLERK  
Tarrant County, Texas  
County Court at Law No. 1  
100 W. Weatherford St., Room 250  
Fort Worth, Texas 76196-0401

By LaPorshe Riggins  
LaPorshe Riggins, Deputy Clerk



OFFICER/AUTHORIZED PERSON RETURN FOR CORPORATIONS

Received on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ M., and executed the same in  
\_\_\_\_\_ County of \_\_\_\_\_ (State) on the \_\_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_ at \_\_\_\_\_ M., by summoning \_\_\_\_\_ a corporation, by delivering to  
\_\_\_\_\_ President, Vice-President, Registered Agent (circle one), in person, of  
the said \_\_\_\_\_, defendant, a  
true and correct copy of this citation, together with an attached copy of the Plaintiff's Original Petition, with the date of service marked  
thereon.

Total Service Fees: \_\_\_\_\_ Sheriff/Constable  
\_\_\_\_\_ (Authorized Person)  
\$ \_\_\_\_\_ County, Texas

By \_\_\_\_\_, Deputy  
(If Applicable)

SUBSCRIBED AND SWORN TO BEFORE ME on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to  
certify which witness my hand and official seal.

\_\_\_\_\_  
County, \_\_\_\_\_ (State). My Commission expires \_\_\_\_\_  
Notary Public in and for \_\_\_\_\_

ORIGINAL CITATION

CAUSE NO: 2021-001501-1

Tina Jernigan  
vs.

Wal-Mart Stores, Inc.  
b/s its registered agent, CT Corporation System  
1999 Bryan Street Suite 900  
Dallas TX 75201

ISSUED THIS March 09, 2021

By: LaPorshe Riggins, Deputy Clerk

Agency: ATTORNEY

County Court at Law No. 1  
100 W. Weatherford St., Room 250  
Fort Worth, Tarrant County, Texas 76196-0401

**CAUSE NO. 2021-001501-1**

<b>TINA JERNIGAN</b>	<b>§</b>	<b>IN THE COUNTY COURT</b>
	<b>§</b>	
<b>VS.</b>	<b>§</b>	<b>AT LAW NO. 1 OF</b>
	<b>§</b>	
<b>WAL-MART STORES, INC.</b>	<b>§</b>	<b>TARRANT COUNTY, TEXAS</b>

**DEFENDANT'S ORIGINAL ANSWER****TO THE HONORABLE JUDGE OF SAID COURT:**

**COMES NOW**, Wal-Mart Stores, Inc. (incorrectly sued, proper and only necessary entity is Wal-Mart Stores Texas, LLC), Defendant in the above-entitled and numbered cause, and files its Original Answer to Plaintiff's Original Petition, and would respectfully show the Court as follows:

**I. GENERAL DENIAL**

Defendant generally denies the allegations contained in Plaintiff's Original Petition, demands strict proof thereof, and says this is a matter for jury decision.

**II. RULE 193.7 NOTICE**

Pursuant to TEXAS RULES OF CIVIL PROCEDURE 193.7, Defendant provides notice that it intends to use Plaintiff's production of all documents, tangible things and discovery items produced in response to discovery in any pre-trial proceeding or at trial.

**III. JURY DEMAND**

Defendant further demands a trial by jury.

**WHEREFORE, PREMISES CONSIDERED**, Defendant prays that upon final hearing hereof, Plaintiff take nothing by this suit, that Defendant recover its costs, and that Defendant have such other and further relief, both at law and in equity, to which it may be justly entitled.

**Respectfully submitted,**

**COBB MARTINEZ WOODWARD PLLC**

1700 Pacific Avenue, Suite 3100

Dallas, TX 75201

(214) 220-5208 (direct phone)

(214) 220-5258 (direct fax)

By: /s/ Bevan Rhine

**BEVAN RHINE**

Texas Bar No. 24036265

[brhine@cobbmartinez.com](mailto:brhine@cobbmartinez.com)

**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I certify a true and correct copy of this document has been forwarded to the following counsel for Plaintiff either by e-service, telefax, electronic mail, and/or regular U.S. mail on this 12<sup>th</sup> day of April, 2021:

Julie Wolf  
Wolf Law, PLLC  
12222 Merit Drive, Suite 1200  
Dallas, TX 75251  
972.338.4477 / fax 972.338.5044  
[julie@wolflawpllc.com](mailto:julie@wolflawpllc.com)

/s/ Bevan Rhine

**BEVAN RHINE**